

The specific variance requested is:

1. Relief from Section 3.32 of By-Law 45-2014 to reduce the required number of parking spaces from 19 to 10, including one accessible and one limited mobility space.
2. Relief from Section 6.4 of By-law 45-2014 to reduce the minimum front yard setback from the required 20m to 16m.

4.0 Application Process

An application was submitted by Nelson Underwood on March 13th, 2020 and considered complete on March 24th, 2020.

Notice of a Public Hearing was mailed by the municipality to all property owners within 60m of the property on March 27th, 2020 and notice was posted on the subject property.

A public hearing was held in accordance with 45 (6) of the Planning Act on April 7th, 2020, at which the Committee deferred a decision on the application pending clarification from the Province regarding the impact of emergency orders on the Planning Act and limitation periods therein.

5.0 Comments

- 5.1.1 Clerk
- 5.1.2 Applicant and/or Agent
- 5.1.3 Others
- 5.1.4 Council's Questions and/or Comments

6.0 Recommendation

The Huron County Planning department is currently reviewing Ontario Regulation 149/20, and is not yet providing official recommendations on planning applications. In the report that was presented at the April 7th meeting, no concerns regarding the proposed variances were raised. The recommendation for deferral was based solely on the need for clarification from the Province, which in the opinion of the Clerk has been received. Email correspondence was received from Huron County Planner Jenn Burns in advance of this meeting regarding the status of this application and the Planning Department's review process, and is **attached** for information.

Based on the information available, the Clerk is recommending that this application for Minor Variance be approved, subject to the following conditions.

1. The structure be located within footprint contained on the final approved site plan; and
2. The variance approval is valid for a period of 18 months from the date of Council's decision.

7.0 Approve Application for Minor Variance

Moved by
Seconded by

APPROVE
UNDERWOOD
GRAIN MINOR
VARIANCE

THAT The Committee of Adjustment of the Municipality of Morris-Turnberry, considering the variance to be minor, and to maintain the appropriate development of the lands and to maintain the general intent of the Morris-Turnberry Zoning By-law 45-2014 and the Morris-Turnberry Official Plan, hereby approves application for minor variance MV01-2020, submitted by Nelson Underwood, subject to the following conditions:

3. The structure be located within footprint contained on the final approved site plan; and
4. The variance approval is valid for a period of 18 months from the date of Council's decision.

4.1.1.1 Close Committee of Adjustment Meeting

Moved by
Seconded by

CLOSE
COMMITTEE
OF
ADJUSTMENT
MEETING

THAT The Committee of Adjustment hereby adjourns their meeting and the Council of the Municipality of Morris-Turnberry hereby reconvenes their Regular Council Meeting.

~

5.0 CONFIRMING BY-LAW

attached

Moved by
Seconded by

CONFIRMING
BY-LAW

THAT leave be given to introduce By-Law # 21-2020, being a by-law to confirm the proceedings of the Municipality of Morris-Turnberry meeting of Council held on April 17th, 2020, and that it now be read severally a first, second, and third time, and finally passed this 17th day of April 2020.

~

6.0 ADJOURNMENT

Moved by
Seconded by

ADJOURN

THAT the Council of the Municipality of Morris-Turnberry does now adjourn at ____ pm.

~

NEXT MEETINGS:

- | | | | |
|-------------------------------|----------------|------------------|---------------|
| 1. Regular Meeting of Council | Tuesday, April | 21 th | 2019, 7:30 pm |
| 2. Regular Meeting of Council | Tuesday, May | 5 th | 2019, 7:30 pm |



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 Fax: 519.524.5677 Toll Free: 1.888.524.8394 Ext. 3

www.huroncounty.ca

To: Municipality of Morris-Turnberry
From: Jenn Burns, Planner
Date: April 2nd, 2020
Re: **Application MV01-20 (Underwood)**
Concession 8, Part Lot 9 (41797 Howick-Turnberry Road)
Owner/Applicant: Nelson Underwood (Underwood Grain Limited)

RECOMMENDATION

The Huron County Planning & Development Department recommends that a decision on application MV01-20 be deferred until the suspension of minor variance appeal periods is removed by the Province.

Effect of O. Reg. 73/20

On March 20, 2020, an Order under Section 7.1(2) of the Emergency Management and Civil Protection Act was made and filed as O. Reg. 73/20. This Order suspends, for the duration of the Provincial emergency, any limitation period established by a statute, regulation, rule, by-law or order of the Government of Ontario. This would include the Planning Act and, based on an opinion from the County Solicitor, the appeal period limitations for decisions, such as the 20 day appeal period for minor variances. As a result of the County Solicitor's opinion, all decisions on planning applications with appeal provisions (such as minor variances, consents, official plan amendments, and zoning by-law amendments) should be deferred until the suspension of the appeal period is removed.

PROPOSED MINOR VARIANCES

1. Proposed relief from section 3.32 of By-Law 45-2014 to allow for the construction of a warehouse with a reduced minimum front yard setback of 16m.
2. Proposed relief from section 6.4 of By-law 45-2014 to reduce the required number of parking spaces from 19 to 10, including one accessible and one limited mobility space.

COMMENTS RECEIVED

Person/Agency	Summary of Comments
Municipality of Morris-Turnberry staff	- no concerns
Neighbours	- no comments received
Huron County Public Works	- see below

REVIEW

The subject property is designated *Agriculture* on Schedule B of the Morris-Turnberry Official Plan and is zoned AG3-9 (Agriculture – Commercial/Industrial- Special Provisions) in the Morris-Turnberry Zoning By-law (Key Map-Turnberry (North)). This application will allow for the construction of a new warehouse for the Grain Elevator Operation with a reduced minimum front yard setback. The required number of parking spaces is also proposed to be reduced from the required 19 to 10, including a limited mobility and accessible space

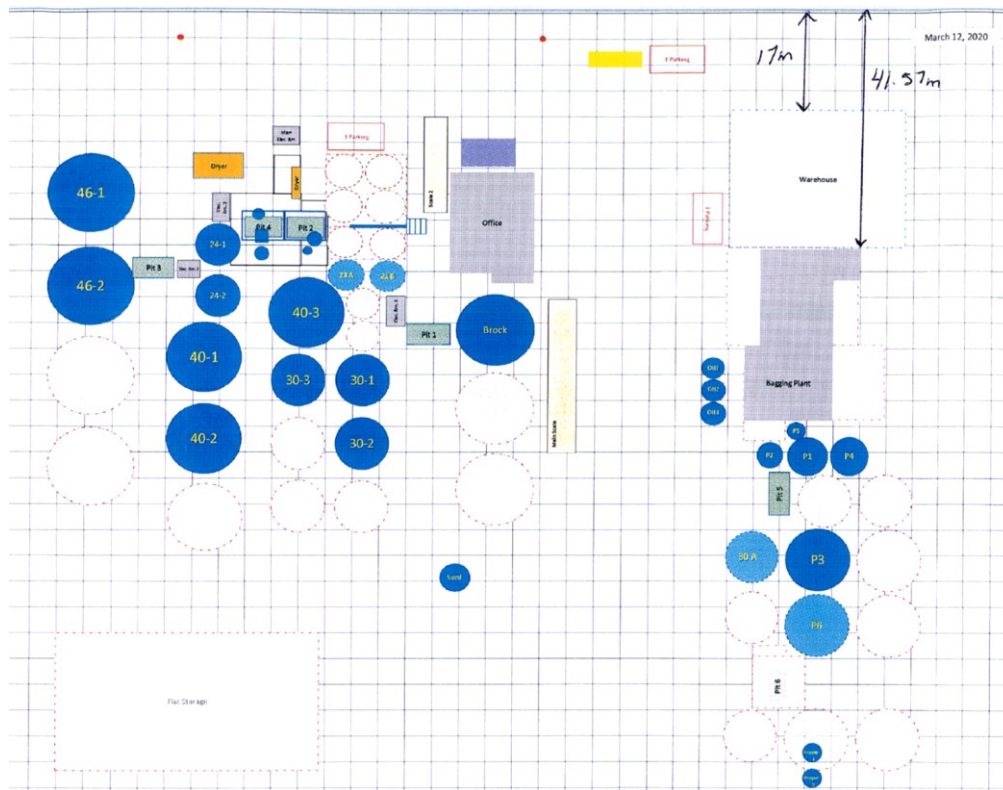
Figure 1. Subject Parcel – Air Photo (subject property outlined in orange, proposed new warehouse outlined in blue)



Figure 2. Site Photo (Howick Turnberry Road looking South West)



Figure 3. Draft Site Sketch



Minor variances are required to satisfy four tests under the Planning Act before they can be approved. To be approved the requested variance must be:

- 1) minor,
- 2) desirable for the appropriate development or use of the land, building or structure,
- 3) maintain the general intent and purpose of the Zoning By-law, and
- 4) maintain the general intent of the Official Plan.

Variance 1: Reduce the minimum front yard setback from the required 20m to 16m.

The applicant is requesting relief from the minimum front yard setback to allow for the construction of a new warehouse to support the existing grain elevator operation. The variance requested is a 22% reduction from the required setback. The relief will allow for the expansion of the existing operation. The subject property is only 8 acres in size and contains a large grain elevator operation on the property. Due to the proximity of the river to the west and the Hydro One property to the east, there are limited options to expand. Huron County Public Works was circulated on the application and they do not have any concerns.

Variance 2: Reduce the required number of parking spaces from 19 to 10 including a limited mobility and accessible space.

The applicant has advised that from a day-to-day operational standpoint, 10 parking spaces is more than sufficient to support their operation. The applicant will provide a site plan outlining the proposed parking spaces.

This application is considered an appropriate development for the use of the land and building. Agricultural Commercial/Industrial operations have existed on the subject property for over 40 years and this application is consistent with facilitating its continued use to support nearby farmers. The surrounding properties are also largely agricultural, and as such the variance is desirable to maintain the agricultural nature of the subject property and surrounding area.

The Morris-Turnberry Official Plan allows for Agricultural Commercial/Industrial uses that process agricultural products or service farms within the agricultural designation, subject to a list of criteria. This application will meet

the criteria once the site plan process is finalized, and as such, the application conforms to the Morris-Turnberry Official Plan. A site plan and D-6 Noise and Dust study is currently being prepared by GM BluePlan Engineering Limited in Listowel. The property is currently subject to site plan control and a building permit cannot be issued until site plan approval.

Huron County Public Works has identified a concern with queuing trucks during harvest season. "We do have a concern with the effect the proposed warehouse may have on queuing traffic which is apparently already a concern at this point. During the site plan approval process, Huron County Public Works would likely require something to mitigate this. AT this time, we are thinking some sort of a warning sign warning traffic about stopped/turning vehicles but we will explore our options and will have to confirm this when we get to the site plan approval stage. Any costs associated with the proposed method would be assessed to the applicant." The requested sign will be a condition of the site plan approval process.

No concerns were received from staff or neighbours. The property does not require any further relief from the Morris-Turnberry Zoning By-law. The use of the subject property will continue to be agricultural commercial/industrial as intended by the Morris-Turnberry Official Plan and the Morris-Turnberry Zoning By-law. Consequently, the variances maintain the intent of both the Official Plan and Zoning By-law. The Provincial Policy Statement, 2014 (PPS) promotes all types, sizes and intensities of agricultural uses within prime agricultural areas. This application is consistent with the PPS.

This application is considered to be minor in nature as there are no foreseen impacts as a result of the development. Other than reducing the minimum front yard setback and the minimum number of parking spaces, no further relief is requested from the Morris-Turnberry Zoning By-law.

It is recommended that application MV01-20 be **deferred** until the Province provides more direction on O.Reg 73/20.

Effect of O. Reg. 73/20

On March 20, 2020, an Order under Section 7.1(2) of the Emergency Management and Civil Protection Act was made and filed as O. Reg. 73/20. This Order suspends, for the duration of the Provincial emergency, any limitation period established by a statute, regulation, rule, by-law or order of the Government of Ontario. This would include the Planning Act and, based on an opinion from the County Solicitor, the appeal period limitations for decisions, such as the 20 day appeal period for minor variances. As a result of the County Solicitor's opinion, all decisions on planning applications with appeal provisions (such as minor variances, consents, official plan amendments, and zoning by-law amendments) should be deferred until the suspension of the appeal period is removed.

In light of the above comments, the requested variance satisfies the four tests for approving a minor variance, subject to the following conditions:

1. the structure be located within the footprint contained on the final approved site plan; and
2. the variance approval is valid for a period of 18 months from the date of Council's decision.

Please note this report is prepared without the benefit of input from the public as may be obtained through the hearing. The Committee should carefully consider any comments and/or concerns expressed at the hearing prior to making their decision on this application.

Sincerely,
"original signed by"

Jenn Burns, Planner

From: [Jennifer Burns](#)
To: [Trevor Hallam](#)
Subject: Revisiting MV01-20 Underwood
Date: Thursday, April 16, 2020 2:29:28 PM

Hi Trevor,

This email is a follow-up to our conversation regarding planning application MV01-20 Underwood. The decision on the application was deferred based on the Planner's recommendation to receive further clarification from the Province regarding O.Reg 73/20. Since the deferral, the Province passed Bill 189 – Coronavirus Support and Protection Act which included amendments to the Planning Act. In addition, the corresponding Regulations (O.Reg 149/20) that set out the process and implement the change have now been released. It is my understanding that the Municipality would like to revisit application MV01-20 in the coming days. At the time of writing this email, it is recommended that the decision on the application continue to be deferral, until such time that the province provides further clarification of the effect of O.Reg 149/20. The Planning Department is analyzing the impacts of O.Reg 149/20 on Planning Applications and is expecting explanatory information to be provided from the Province in the near future. I should note that my original planning report submitted on April 3rd, 2020 still contains accurate planning analysis. MV01-20 Underwood Minor Variance application meets all four tests for a Minor Variance and there are no outstanding concerns, except for the ongoing analysis of O.Reg 149/20.

Please let me know if you have any further questions or concerns.

Thank you,

Jenn

Jenn Burns, MSc. (Plan), RPP MCIP
Planner, County of Huron
519.524.8394 x3295 | cell: 519-441-3356
jburns@huroncounty.ca | huroncounty.ca/plandev



CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 21-2020

Being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of Morris-Turnberry, for its meeting held on April 17th, 2020.

WHEREAS Section 8 of the Municipal Act 2001, S.O. 2001, c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 5. (3) of the Municipal Act 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Municipality of Morris-Turnberry for the April 17th, 2020 meeting be confirmed and adopted by By-law;

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows::

1. The action of the Council of the Corporation of the Municipality of Morris-Turnberry at its meeting held the 17th day of April, 2020, in respect of each recommendation contained in the Minutes and each motion and resolution passed and other action taken by the Council of the Corporation of the Municipality of Morris-Turnberry at the meeting, is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law; and
2. The Mayor and proper officials of the Corporation of the Municipality of Morris-Turnberry hereby authorize and direct all things necessary to give effect to the action of the Council to the Corporation of the Municipality of Morris-Turnberry referred to in the preceding section thereof;
3. The Mayor and CAO/Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation.

Read a FIRST and SECOND time this 17th day of April 2020

Read a THIRD time and FINALLY PASSED this 17th day of April 2020

Mayor, Jamie Heffer

Clerk, Trevor Hallam